

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF SOUTH CAROLINA
 COLUMBIA DIVISION

Ella Mae Brailsford,)	C/A No.: 3:06-608-JFA-JRM
)	
Plaintiff,)	
v.)	ORDER
)	
Square D, a subsidiary of Schneider Electric,)	
)	
Defendant.)	
)	

The plaintiff, Ella Mae Brailsford, initiated this action against the defendant alleging a claim under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.* (“Title VII”). Defendant Square D filed a motion for summary judgment¹ in November 2006 to which plaintiff timely filed a response in opposition.

The Magistrate Judge assigned to this action² has prepared a comprehensive Report and Recommendation wherein he suggests that defendant’s motion be granted.

¹ An order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motions for summary judgment. Plaintiff responded to the motion.

² The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The plaintiff was advised of her right to file objections to the Report and Recommendation, which was entered on the docket on May 16, 2007. The plaintiff filed objections³ to the Report on June 4, 2007 — beyond the time allowed under Fed. R. Civ. P. 72(b). The defendant thereafter filed a motion to strike the plaintiff's untimely objections and also filed a response to the objections. The court is constrained to agree with the defendant that the objections were not timely.

Nevertheless, because the Report indicates that a grant of summary judgment against the plaintiff is appropriate, the court has conduct a *de novo* review of the entire Report. Having done so, this court is of the opinion that the Magistrate's recommended disposition is correct. Regardless of whether plaintiff's claim under Title VII is analyzed under what the Magistrate Judge refers to as the "disparate discipline framework" or the "general termination framework," the record assembled during discovery indicates that the motion for summary judgment should be granted.

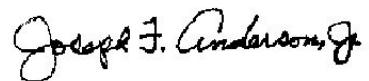
After carefully reviewing the applicable law, the record in this case, the Report and Recommendation, and the objections thereto, the court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles

³ Under 28 U.S.C. § 636(b)(1), the district court is obligated to conduct a *de novo* review of every portion of the Magistrate Judge's Report to which objections have been filed. The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to timely file specific written objections to the Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).

of law. The court, therefore, adopts the recommendation of the Magistrate Judge in full and incorporates this Report by specific reference.

Accordingly, defendant's motion for summary judgment is granted.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

July 6, 2007
Columbia, South Carolina